## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN

NATALIE JOHNSON,
------------------

Plaintiff,

**ORDER** 

v.

19-cv-760-wmc

C.R. BARD INC. and BARD PERIPHERAL VASCULAR INC.,

Defendants.

Before the court is the parties' request for ruling on objections to certain deposition designations as to Abithal Raji-Kubba.

DEPONENT	PL AFFIRM	DEF OBJECTIONS	PL RESPONSE TO OBJECTIONS	COURT RULING
Raji-Kubba, Abithal 07/18/2016		Bard objects to Plaintiff's references to "Admitted in the Peterson case" as a basis for allowing a designation to played, or overruling an objection, and submits that the testimony should be consider based on the facts and applicable law and rulings in this case. The Peterson case involved a different filter, different claims, and was decided under different state law.		

Raji-Kubba, Abithal 07/18/2016	9:07-9:10		Admitted in Peterson	
Raji-Kubba, Abithal 07/18/2016	14:01-14:13		Admitted in Peterson	
Raji-Kubba, Abithal 07/18/2016	75:09-77:03		Admitted in Peterson	
Raji-Kubba, Abithal 07/18/2016	77:13-77:14		Admitted in Peterson	
Raji-Kubba, Abithal 07/18/2016	78:13-79:05		Admitted in Peterson	
Raji-Kubba, Abithal 07/18/2016	79:17-79:24		Admitted in Peterson	
Raji-Kubba, Abithal 07/18/2016	80:02-80:04		Admitted in Peterson	
Raji-Kubba, Abithal 07/18/2016	80:08-80:13		Admitted in Peterson	
Raji-Kubba, Abithal 07/18/2016	98:03-98:08		Admitted in Peterson	
Raji-Kubba, Abithal 07/18/2016	115:01- 115:09	Cumulative of testimony of several witnesses	Admitted in Peterson The defendants have not identified the witnesses or testimony thebase this objection upon. The testimony is not needlessly presenting cumulative evidence.	OVERRULED

Raji-Kubba, Abithal 07/18/2016	115:13- 115:18	Cumulative of testimony of several witnesses	Admitted in Peterson The defendants have not identified the witnesses or testimony thebase this objection upon. The testimony is not needlessly presenting cumulative evidence.	OVERRULED
Raji-Kubba, Abithal 07/18/2016	116:02- 117:14	Cumulative of testimony of several witnesses	Admitted in Peterson The defendants have not identified the witnesses or testimony thebase this objection upon. The testimony is not needlessly presenting cumulative evidence.	OVERRULED
Raji-Kubba, Abithal 07/18/2016	117:16- 117:21	Cumulative of testimony of several witnesses	Admitted in Peterson The defendants have not identified the witnesses or testimony thebase this objection upon. The testimony is not needlessly presenting cumulative evidence.	OVERRULED
Raji-Kubba, Abithal 07/18/2016	129:14- 130:07		Admitted in Peterson	
Raji-Kubba, Abithal 07/18/2016	131:23- 132:11	Cumulative of testimony of several witnesses	Admitted in Peterson The defendants have not identified the witnesses or testimony thebase this objection upon. The testimony is not needlessly presenting cumulative evidence.	OVERRULED
Raji-Kubba, Abithal 07/18/2016	160:04- 160:06		Admitted in Peterson	
Raji-Kubba, Abithal 07/18/2016	161:22- 161:23		Admitted in Peterson	

Raji-Kubba,	162:02-		Admitted in Peterson	
Abithal	162:11		Trainecea in Feterson	
07/18/2016				
Raji-Kubba,	162:16-		Admitted in Peterson	
Abithal	163:03			
07/18/2016				
Raji-Kubba,	167:11-		Admitted in Peterson	
Abithal	168:02			
07/18/2016				
Raji-Kubba,	204:12-	Rules 401, 402 and	Admitted in Peterson	SUSTAIN
Abithal	204:21	403. Relates to	The witness was a recipient of the document and her	
07/18/2016		Recovery filter only.	testimony establishes her	
			knowledge of the subject	
			matter therein.	
Raji-Kubba,	204:25-	Rules 401, 402 and	Admitted in Peterson	SUSTAIN
Abithal	205:19	403. Relates to	The witness was a recipient of the document and her	
07/18/2016		Recovery filter only.	testimony establishes her	
			knowledge of the subject	
			matter therein.	
Raji-Kubba,	205:21-	Rules 401, 402 and	Admitted in Peterson	SUSTAIN
Abithal	206:04	403. Relates to Recovery filter only.	The witness was a recipient of the document and her	
07/18/2016		Recovery filter offity.	testimony establishes her	
			knowledge of the subject	
			matter therein.	
Raji-Kubba,	227:20-		Admitted in Peterson	
Abithal	227:23			
07/18/2016	Beginging			
	with "Was"			
DEPOS	DEE	DY ODYNGER	DEF DEGRATES	COVE
DEPONENT	DEF COUNTER	PL OBJECTIONS	DEF RESPONSE TO OBJECTIONS	COURT RULING
			· ·	
Raji-Kubba,	18:10-20:08	FRE 106 only requires completeness that "in	This testimony is necessary to provide a complete picture	OVERRULED
Abithal 07/18/2016	For Completeness	fairness ought to be	of the witness' background,	
07/10/2010	Completeness	considered at the	place Plaintiff's selective	
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		same time".  Defendants have not demostrated why this testimony, in the name of fairness, must be considered at the same time as  Plaintiff's designation.	designation of lines of questioning in proper context, and/or demonstrate the Plaintiff is attempting to elicit testimony from a witness about a subject or document with which that witness has no or limited personal knowledge.	
Raji-Kubba, Abithal 07/18/2016	77:15-78:12  For Completeness	FRE 106 only requires completeness that "in fairness ought to be considered at the same time".  Defendants have not demostrated why this testimony, in the name of fairness, must be considered at the same time as  Plaintiff's designation.	This testimony is necessary to provide a complete picture of the witness' background, place Plaintiff's selective designation of lines of questioning in proper context, and/or demonstrate the Plaintiff is attempting to elicit testimony from a witness about a subject or document with which that witness has no or limited personal knowledge.	OVERRULED
Raji-Kubba, Abithal 07/18/2016	79:06-79:16 For Completeness	FRE 106 only requires completeness that "in fairness ought to be considered at the same time".  Defendants have not demostrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	This testimony is necessary to provide a complete picture of the witness' background, place Plaintiff's selective designation of lines of questioning in proper context, and/or demonstrate the Plaintiff is attempting to elicit testimony from a witness about a subject or document with which that witness has no or limited personal knowledge.	OVERRULED
Raji-Kubba, Abithal 07/18/2016	89:13-89:15  For  Completeness	FRE 602; calls for speculation FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demostrated why this testimony, in the	This testimony is necessary to provide a complete picture of the witness' background, place Plaintiff's selective designation of lines of questioning in proper context, and/or demonstrate the Plaintiff is attempting to elicit testimony from a witness about a subject or	SUSTAIN

		name of fairness, must be considered at the same time as Plaintiff's designation.	document with which that witness has no or limited personal knowledge.	
Raji-Kubba, Abithal 07/18/2016	115:10- 115:12 For Completeness	FRE 106 only requires completeness that "in fairness ought to be considered at the same time".  Defendants have not demostrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	This testimony is necessary to provide a complete picture of the witness' background, place Plaintiff's selective designation of lines of questioning in proper context, and/or demonstrate the Plaintiff is attempting to elicit testimony from a witness about a subject or document with which that witness has no or limited personal knowledge.	OVERRULED
Raji-Kubba, Abithal 07/18/2016	115:19- 116:01 For Completeness	FRE 106 only requires completeness that "in fairness ought to be considered at the same time".  Defendants have not demostrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	This testimony is necessary to provide a complete picture of the witness' background, place Plaintiff's selective designation of lines of questioning in proper context, and/or demonstrate the Plaintiff is attempting to elicit testimony from a witness about a subject or document with which that witness has no or limited personal knowledge.	OVERRULED
Raji-Kubba, Abithal 07/18/2016	117:22- 118:05 For Completeness	Non-responsive FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demostrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	This testimony is necessary to provide a complete picture of the witness' background, place Plaintiff's selective designation of lines of questioning in proper context, and/or demonstrate the Plaintiff is attempting to elicit testimony from a witness about a subject or document with which that witness has no or limited personal knowledge.  Moreover, designated	OVERRULED

			testimony is directly responsive and attempts to explain witness' answer to counsel's question regarding whether electropolishing makes the surface safer.	
Raji-Kubba, Abithal 07/18/2016	168:09- 168:12 For Completeness	FRE 106 only requires completeness that "in fairness ought to be considered at the same time".  Defendants have not demostrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	This testimony is necessary to provide a complete picture of the witness' background, place Plaintiff's selective designation of lines of questioning in proper context, and/or demonstrate the Plaintiff is attempting to elicit testimony from a witness about a subject or document with which that witness has no or limited personal knowledge.	OVERRULED
Raji-Kubba, Abithal 07/18/2016	169:16- 170:03 For Completeness	Hearsay;FRE 602 FRE 106 only requires completeness that "in fairness ought to be considered at the same time".  Defendants have not demostrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	This testimony is necessary to provide a complete picture of the witness' background, place Plaintiff's selective designation of lines of questioning in proper context, and/or demonstrate the Plaintiff is attempting to elicit testimony from a witness about a subject or document with which that witness has no or limited personal knowledge.  Testimony does not reference any out of court statement and even if it did, in this context, any such statement would not be offered to prove the truth of the matter asserted.	OVERRULED

Raji-Kubba,	174:16-	Non-responsive	This testimony is necessary	OVERRULED
Abithal	176:12	FRE 106 only requires	to provide a complete picture	O , LIGIO LLD
07/18/2016	For	completeness that "in	of the witness' background,	
07/10/2010	Completeness	fairness ought to be	place Plaintiff's selective	
	Completeness	considered at the	designation of lines of	
		same time".	questioning in proper	
		Defendants have not	context, and/or demonstrate	
		demostrated why this	the Plaintiff is attempting to	
		testimony, in the	elicit testimony from a	
		name of fairness, must	witness about a subject or	
		be considered at the	document with which that	
		same time as	witness has no or limited	
		Plaintiff's designation.	personal knowledge. This	
			testimony also is responsive	
			to the question, and	
			attempts to provide a robust	
			answer to Plaintiff's counsel's	
			attempt to characterize the	
			contents of a document.	
Raji-Kubba,	178:02-	FRE 106 only requires	This testimony is necessary	OVERRULED
Abithal	178:10	completeness that "in	to provide a complete picture	
07/18/2016		fairness ought to be	of the witness' background,	
	For	considered at the	place Plaintiff's selective	
	Completeness	same time".	designation of lines of	
	Completeness	Defendants have not	questioning in proper	
		demostrated why this	context, and/or demonstrate	
		testimony, in the	the Plaintiff is attempting to	
		name of fairness, must	elicit testimony from a	
		be considered at the	witness about a subject or	
		same time as	document with which that	
		Plaintiff's designation.	witness has no or limited	
			personal knowledge.	
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Accordingly, IT IS ORDERED that the parties' request for rulings on objections to certain designations is GRANTED, and the objections are sustained in part and overruled in part as provided above.

Entered this 5th day of June, 2021.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge